IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT APPEAL NO: 790 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/03/2005 in WP NO : 4394 OF 2005 on the file of the High Court.)

Between:

1 Durgam Shyam Rao, S/o Mogili,
Occ: Driver in A.P.S.R.T.C., Asifabad Depot.
2 Jadi Hotku, s/o Lingaiah,
Both are R/o Jandaguda village, Asifabad Mandal, Adilabad District.

..... APPELLANTS

AND

1 The Regional Manager, APSRTC, Adilabad.
2 The Depot Manager, APSRTC, Adilabad Depot, Adilabad District.

.....RESPONDENTS

Counsel for the Appellants: Mr.P.PRABHAKAR REDDY

Counsel for the Respondents: SMT.P.RAJANI REDDY

The Court at the stage of admission, made the following :

JUDGMENT: (per the Hon'ble Smt.Justice T.Meena Kumari)

This Writ Appeal is filed by the appellants-writ petitioners against the Order, dated 07.03.2005, in Writ Petition No.4394 of 2005 passed by a learned single Judge of this Court.

The Writ Petition was filed to declare the action of the respondents in issuing Office Order dated 04.01.2005 directing the writ petitioners to perform duty exclusively on Ticket Issuing Machine Service (for short **'TIMS'**), as illegal and arbitrary. The learned single Judge, after hearing both the parties, dismissed the writ petition on the ground that there is no compulsion or force on the drivers to perform the duties on TIMS.

Learned counsel for the appellants has argued that as per the circular instructions, issued by the Regional Manager, Adilabad, the Depot Managers shall not force the drivers to perform duties on TIMS and it is against the Minutes of the Meeting dated 17.04.2004, held with the Joint Action Committee, Asifabad Depot in the chambers of the Depot Manager, Asifabad.

The relevant portion of the Circular, issued by the Regional Manager reads as under:

> "The Adilabad Depot Managers shall not force the drivers to perform duty on TIMS. Inview of the requirement to do service on the TIMS it can be explained to the drivers and encourage them to do service on TIMS."

The relevant portion of the Minutes of the Meeting held on 17.04.2004 reads as under:

> **CANCELLATION OF TIMS SERVICES:**
>
> JAC demanded for the cancellation of 6 TIMS services being operated in the Depot and also sought an assurance from the management not

to introduce any TIMS services at Asifabad depot.

The Regional Manager, ADB explained that introduction of TIMS is in the interest of organization to reduce the cost on personal, hence it is not possible to cancel the existing TIM services. It is also assured that TIMS will be introduced in the Depot if willing workers come forward to perform TIMS.

JAC has requested to augment two Special Services in the ensuing peak season. They also agreed to operate the above services as TIMS, if drivers are willing to perform duties.

A reading of the above Circular and Minutes discloses that there was an understanding between the Joint Action Committee and the respondent-Corporation that if the drivers are willing, the respondent-Corporation will run TIMS, and that the Corporation is not insisting the drivers to operate the said services.

Learned counsel for the appellants further argued that the appellants have not undergone the required training and hence they cannot operate the machine on a direction issued by this Court.

On the other hand, learned counsel for the respondents, basing on instructions, submitted that the appellants have undergone the training from 28.11.2004 to 30.11.2004 with regard to the operation of the TIMS, which requires only punching of the ticket and it does not require much skill.

In view of the financial stringency prevailing in the respondent-Corporation and in view of the fact that the operation of TIMS is not prejudicial to the working pattern of the drivers, we do not find any illegality or irregularity in the order passed by the learned single Judge and hence, the Writ Appeal is dismissed.

(T.MEENA KUMARI, J)

(L.NARASIMHA REDDY, J)

Dt: 27.04.2005

bsv/lvl

To,

1 The Regional Manager, APSRTC, Adilabad.
2 The Depot Manager, APSRTC, Adilabad Depot, Adilabad District.

3 Two CD copies.